



indicated in The Roxane Defendants' Memorandum in Support of Motion to Dismiss for Lack of Subject Matter Jurisdiction Under the Public Disclosure Bar of the False Claims Act.

WHEREFORE, the Roxane Defendants respectfully request that the Motion to Dismiss be GRANTED.

Dated: June 26, 2009

Respectfully submitted,

/s/ John W. Reale  
Helen E. Witt, P.C.  
Anne M. Sidrys, P.C.  
Eric T. Gortner  
John W. Reale  
KIRKLAND & ELLIS LLP  
300 North LaSalle Street  
Chicago, IL 60654  
Telephone: (312) 862-2000  
Facsimile: (312) 862-2200

*Counsel for Defendants  
Boehringer Ingelheim Corp.,  
Boehringer Ingelheim Pharmaceuticals, Inc.,  
Boehringer Ingelheim Roxane, Inc., and  
Roxane Laboratories, Inc.*

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on June 26, 2009, a copy to LexisNexis File and Serve for posting and notification to all parties.

/s/ John W. Reale

John W. Reale